GENERAL INDEX.

PAGE.

ADDRESS—Hon. Moorfield Story, of Boston, before the New York Bar Association ... 117
President of New York State Bar Association, Hon. William H. Robertson ... 54
President of the International Law Association, Sir Richard E. Webster ... 373
ALIENS—naturalization of ... 23
ANIMALS—property in ... 187
ANOTHER OBJECTION—newspaper criticism ... 27
ARE DIRECTORS OF CORPORATIONS HELD TO A SUFFICIENT ACCOUNTABILITY—paper read by Henry Wyman Jessup at annual meeting of New York State Bar Association ... 86
ARGUMENT OF JOSEPH H. CHOATE, ON LIQUOR TAX ACT ... 294, 313
ARMES CASE—decision in ... 40
AUSTIN, SARAH—a modern Theodora ... 266

BAR—preparation for ... 119
BAR ASSOCIATION—address of Chauncey M. Depew ... 59
address of president ... 54
of Michigan ... 95
BOOK REVIEWS:
American Corporation Legal Manual ... 192
American Electrical Cases, Vol. 4 ... 80
American State Reports, Vol. 45 ... 96
—— Vol. 46 ... 128
—— Vol. 47 ... 320
Bailments, Handbook on Law of ... 320
Bender's Lawyers' Diary and Directory for 1896 ... 48
Examination of the Nature of the State ... 192
Black on Interpretation of Laws ... 128
Commentaries on the Law of Corporations ... 272
Elements of Damages, Arthur R. Sedgwick ... 80
Excise and Hotel Laws of the State of New York ... 272
Extraordinary Cases ... 384
Foster on the Constitution ... 79
French Law of Marriage, Marriage Contracts and Divorces ... 240
General Principles of the American Law of Sale of Goods ... 128
Index Connecticut Reports ... 176
Insurance Digest, Vol. 8 ... 224
Intestate Succession in the State of New York ... 128
Legal Jurisprudence, Forensic Medicine and Toxicology ... 96
Life and Speeches of Thomas Corwin ... 224
Manual of Elementary Law ... 176
Metaphors and Similes of Henry Ward Beecher ... 48
Metrical History of the Life and Times of Napoleon Bonaparte ... 127
Outlines of Legal History ... 80
Principles of the American Law of Bailment ... 80
Recollections of Lord Coleridge ... 48
The Buffalo Lawyers' Address Book and Diary ... 384
"You Should Not" ... 80

CHOATE, JOSEPH H.—Argument on Liquor Tax Act ... 294-313
CIVIL PROCEDURE IN ENGLAND ... 104
CODE—report of commissioners to revise ... 6
CODE, REVISION OF—William B. Hornblower ... 150
CODE CIVIL PROCEDURE—interpretation of section 401—statute of limitations ... 92
COMMERCE CLAUSE OF THE CONSTITUTION—Robert Mather ... 359
COMMON LAW OF ENGLAND ... 230
COLLISION AT SEA—liability where both ships are at fault ... 44
CORRESPONDENCE:
An Unfortunate Decision. D. Walter Brown ... 31
Information Desired. Theo. F. C. Demarest ... 48
Right of Appeal to the Court of Appeals ... 176
"The Domestic Relations Law" Theo. F. C. Demarest ... 352, 382
CURIOUS WILL—More talk than property ... 30
CURRENT TOPICS:
Abbott, Austin, death of ... 405
Address of Hon. Moorfield Storey at New York Bar Association meeting, remarks on ... 113
Admission to the Bar, bills in the New York legislature to permit, comments on ... 129

CURRENT TOPICS—(Continued). PAGE.
Albany Law School, commencement exercises of ... 405
Arbitration, decision of Bishop Potter in New York ... 324
Bailee, barber not such as to customer's hat ... 116
Bailee for hire, barber such as to customer's hat ... 20
Bar Association, Michigan, meeting of ... 321
—— New York State, address of Hon. Moorfield Storey at ... 113
—— remarks on programme for 19th annual meeting ... 17
—— remarks on 19th annual meeting ... 49
—— remarks on report of committee on law reform ... 103
Bering Sea arbitration, remarks on ... 21
Bicycles, laws relating to ... 323
Bonds, validity of, payable in certain kind of money ... 292
Carrier, failure of to stamp ticket insufficient grounds for expulsion of passenger from train ... 390
—— liability of for lost package ... 213
Case, facts in the, address of Hon. William H. Sutherland ... 85
Chamberlain, Hon. Joseph, extract from speech of on position of Grea Brittain abroad and in the colonies ... 100
Chattels, limits of, to go with real property ... 84
Civil Procedure in England, by Elbridge L. Adams, remarks on ... 97
Civil Service, appointments to, decision of Court of Appeals thereon ... 177
Codification, remarks on ... 386
Code of Civil Procedure, amendments to section 191 concerning appeals to Court of Appeals ... 327
Code of Civil Procedure, bill to amend section 212, relating to citations from official reports ... 103
Code of Civil Procedure, bill to amend section 383 in relation to notice of injuries from negligence ... 131
Code Revision, remarks on ... 81
Code Revision, report of commissioners, remarks on ... 1
Code Revision, by New York commissioners ... 406
Common Law, unwisdom of, address of James C. Courtney before Illinois State Bar Association ... 132
Common Law Pleading, extract from address on ... 162
Congress of United States, adjournment of ... 369
Constitution of United States, decision in United States v. Gettysburg Electric Ry. Co ... 228
Constitutionality of barbers' Sunday closing law ... 372
Contempt, defendant not guilty of, for interposing false answer ... 229
Contempt, in the United States courts, bill in relation to ... 386
Contract, hiring, a general or definite hiring *prima facie* a hiring at will ... 99
Contract, rescission of, false statement made to commercial agency a ground for ... 86
Copyright, in engravings, article from *Law Times* on ... 357
Coroners, bill to legislate out of office and appoint board of medical examiners ... 98
Coroners, bill to abolish office of, remarks upon ... 212
Corporations, municipal, duty of, in construction of sewers ... 359
Court of Appeals, bill to relieve ... 132
Court of Appeals, limitation of appeals to ... 161
Courtney, James C., Unwisdom of the Common Law, address before Illinois State Bar Association ... 132
Cowing, Judge, attacks upon ... 293
Damages, limit of in negligence cases, prospective only under New York Constitution ... 22
Decision of French court in case of Wing ... 195
Depew, Hon. Chauncey M., address of ... 50
Discrimination Between Blacks and Whites, address to the President and to Congress on right of State to allow corporation, as common carrier, to discriminate between ... 370
Divorce, extract from interview with Mrs. Clara Foltz ... 146
Divorce, female juries in cases of ... 212
Divorce, right of husband to alimony and solicitor's fees ... 387
Doe, Justice Charles H., of New Hampshire—death of ... 161
Dogs, legal status of—opinion of Judge Russell in Woodbridge v. Marks ... 33
Domestic relations law, remarks on ... 277
Drunkard, sentence of, in New Jersey ... 82

CURRENT TOPICS—(Continued). PAGE.
Ecclesiastical law, trial in Massachusetts under 289
Ecclesiastical law, decision of Bishop Lawrence in Massachusetts under 325
Election law, remarks on decision in the Matter of Application of Cuddeback 209
Equity, court of, has no inherent power to direct mortgage of real property of infant 2
Foltz, Mrs. Clara, extract from interview with upon subject of divorce 146
Fur sealing, bill relating to—remarks on 115
General laws, report of commission on—remarks concerning 65
Great Britain, position of abroad and in the colonies—extract from speech of Joseph Chamberlain 100
Greater New York commission, appointment of 405
Hand, Richard L., preparation for admission to the bar 113
Harker, Oliver A., address before Illinois State Bar Association 181
Hats, wearing of in theatres, bill before Ohio legislature to prevent 213
Homicide, increase of, remarks on 115
Income tax in France, in the chamber of deputies 247
Injunction, cannot be issued to restrain use of property in possession of the State 166
Injury, damages for, verdict in Bullock v. D. L. & W. R. R. Co 385
Insurance, benefit societies liable for insurance on a suicide 339
Insurance, comments by English press on decision in Riter v. Mutual Life Ins. Co 356
Insurance, killing of insured by insane beneficiary works no forfeiture of 339
International arbitration, remarks on extract from speech of Mr. Balfour upon 275
International court of arbitration, plan of New York State Bar Association for a 259
Judicial administration and reform, report of committee on, Virginia State Bar Association 17
Judicial administration and reform, remarks of President Hubbard, Virginia State Bar Association 19
Judicial powers, extent of 72
Juries in criminal trials 341
Jurisdiction of State courts, decision in Rigner v. Rigner 147
Jurymen, legislative bill to provide special class for New York and Brooklyn 53
Law granting additional power to certain title guarantee companies in New York city 129
Law, narcotic instruction 179
Law reform, report of committee on; New York State Bar Association, remarks on 103
Lawrence, Bishop, decision of in ecclesiastical law 325
Legislation, English and French 305
Legislation, negligence in 309
Legislature in New York, remarks on 274
Libel, case of Kitson v. Playfair 225
Libel, decision in Dowling v. *Detroit Journal* 197
Libel, extract from article in *New York Law Journal* 163
Libel, withdrawal of appeal in case of Kitson v. Playfair 305
Libel law, comments upon 180
Limitations, statute of, what must be shown to suspend 97
Liquor laws, remarks on 341
Loud bill, the, relating to postal laws, remarks on 114
Master and servant—gang boss not a superintendent 306
Maybrick, Mrs., case of, in congress 257
Maynard, Hon. Isaac, death of 375
Michigan State Bar Association, meeting of 321
Misdemeanor, wearing of society pin by one not entitled to do so 327
Monroe doctrine, extracts from remarks of Hon. Edward J. Phelps upon 209
Murder, case of Marie Barberi, decision of Court of Appeals reversing conviction of 258
Murder, on Cherokee reservation, not an offense against laws of United States 388
Murder, trial of Lothaire for murder of Stokes 344
National banks, survival of for purpose of discharging liabilities after insolvency is declared 166
Negligence, contributory, passenger returning to a dangerously crowded platform 340
Negligence cases, large damages in 274
Negligence in the sale of poison, extract from article in the *Law Times* on 71
Neutrality laws, right to raise money for Cuban insurrection 307
New York, Greater, provisions of bill for 273
Partnership, Wolf v. Law, power of court to sell partnership business before entry of decree of dissolution 344
Patent, infringement, officers and agents of the United States not exempt from though the article was for the benefit of the United States 165
Patriotism and jingoism, address of Hon Chauncey M. Depew at the 19th annual meeting of New York State Bar Association 50
Paupers of Hampstead, London, epidemic of marriage among 145

CURRENT TOPICS—(Continued). PAGE.
Peckham, Hon. Rufus W., remarks on opinion of in Gettysburg battle field case 131
Penal Code, bill in New York Legislature to amend sections 364a-b, known as "Sterling Silver Law" 161
Phelps, Hon. Edward J., remarks on Monroe doctrine, 209
Police bill, Albany, remarks on 310
Police bill, Albany, declared unconstitutional 353
Population, society to promote increase of in France, 371
Postal laws, unjust ruling under 145
Potter, Bishop, decision of in arbitration case 324
Preparation for the bar, by Richard L. Hand, remarks on 113
Procedure, cases involving only questions of 321
Procedure, legal, in France, article from *Law Times* on 390
Procedure, revision of, extract from address of Oliver A. Harker, of Illinois State Bar Association 181
Raines liquor tax law, argument before Appellate Division of the First department on 244
Raines liquor tax law, argument of counsel before Court of Appeals, remarks on 290
Raines liquor tax law, comments upon provisions of, 210
Raines liquor tax law, comments upon its constitutionality as special city law 196
Raines liquor tax law, decision of Court of Appeals in People v. Adelphi Club 226
Raines liquor tax law, decision on "free lunch" section 242
Raines liquor tax law, decision by Court of Appeals upholding constitutionality of 337
Raines liquor tax law, litigation under 193
Raines liquor tax law, special city law 178
Resignation, of member of voluntary association, effect of 357
Restriction of trade, agreement between separate land owners to sell lands and divide the profits is void under 37
Roentgen rays in court 372
Russell, Sir Charles, remarks on charge of 113
Sale by sample, article from *Law Times* on 326
Statutes, improvements in, remarks on paper of Hon. J. J. Linson, concerning 65
Statute of frauds, decision in case of Honsinger v. Mulford 227
Statute of frauds, filing and signing of a bill in equity for specific performance takes the contract out of, 35
Statute of limitations, waiver of by debtor 322
Storey, Hon. Moorfield, remarks on address of 113
Sutherland, William H., address of 85
Testimony, constitutionality of law of 1893 in regard to testimony before interstate commerce commission 401
Theories of law—old and exploded 405
Title and guarantee companies—law granting additional powers to 129
Transvaal—franchise question in 82
—— British suzerainty in—extract from *Law Journal* 67
—— death sentence on leaders of raid in 291
—— law of treason in—article from *Law Times* on .. 342
—— points against the extension of British suzerainty in 83
Treason—in Transvaal—law relating to—article from *Law Times* 342
Treasure, buried—decision as to ownership of 373
Truax, Judge Charles H., marriage of 145
Ultra vires—contract of national bank to procure application for life insurance 70
Uses and trusts—statute of—future estate in lands taking effect in possession on termination of prior trust estate, not within 2
Verses on cause of law suits 326
War, public, etc—definitions of 161
Will—signature for incapacitated witness by another 359
Witness—intelligent—test of by questions 323
Woman, married—as trustee cannot hold real property without concurrence of husband 404
Women — married — right of creditor to recover against estate of 69

DECISION ON THE ARMES CASE 40
DEPEW, CHAUNCEY M.—Address before New York State Bar Association 59
DISCRETIONARY INVESTMENTS 29
DOMESTIC RELATIONS LAW 277

ELECTIONS—filing of certificates 222
ENGLAND—Civil Procedure in 104
EXECUTION OF FOREIGN JUDGMENTS IN ENGLAND 214

FIERO, J. NEWTON—The Reformed Procedure 327
FILING OF CERTIFICATES—elections 222
FIRE INSURANCE—some peculiarities on law of 153
FIRST CASE UNDER OUR NEUTRALITY LAWS 182

GREER COUNTY IS NOT IN TEXAS 190
HORNBLOWER, WILLIAM B.—revision of the code 150
HOWE V. EARL OF DARTMOUTH 110

INVESTMENTS, discretionary 29

PAGE.

JESSUP, HENRY WYMAN—paper read before New York State Bar Association 86
JUDICIAL SYSTEMS—remarks on—Andrew J. Hirschl 188
JOHNSON, DR —on law and lawyers 203
JUDGMENTS, FOREIGN—execution of in England 214

LAWS OF COLLATERAL AND DIRECT INHERITANCE, legacy and inheritance, legacy and succession taxes 96
LAW OF FIRE INSURANCE — some peculiarities of 153
LAW AND LAWYERS; Dr. Johnson on 203
LAW REFORM — report of committee on — New York State Bar Association 135
LEGATEES RESIDENT ABROAD 286
LET US HAVE PEACE — memorial of the New York State Bar Association to the President of the United States 261
LIABILITY FOR LOST TRUST FUNDS—solicitors as officers of the court 205
LIABILITY OF ONE PERSON UPON HIS PROMISE TO ANSWER FOR THE TORT OF ANOTHER 167
LINSON, HON. JOHN J.—some needed improvements in our statutes and in statute making 74
LIQUOR TAX ACT 201, 295, 313
decision of Court of Appeals 345
LITERATURE AND LAW 376

MARRIED WOMAN'S SEPARATE PROPERTY 377
MATHER, ROBERT — commerce clause of the Constitution 359
MICHIGAN BAR ASSOCIATION 95
MUNICIPAL HOME RULE—Clarence S. Palmer, 252
MUTILATION OF THE REMAINS OF THE DEAD 157

NATURALIZATION OF ALIENS 23
NEUTRALITY LAWS—first case under 182
NEW YORK STATE BAR ASSOCIATION—annual address of President William H. Robertson, 54
address of Hon. Chauncey M. Depew—"Patriotism and Jingoism—The Lawyer's Duty." 59
address of Hon. Moorfield Story 117
memorial presented to the President of the United States on "International Arbitration." 261
paper read by Henry Wynans Jessup 86
report of Committee on Law Reform 135

PALMER, CLARENCE S.—"Municipal Home Rule." 252
PATRIOTISM AND JINGOISM—The Lawyer's Duty—Chauncey M. Depew's address before the New York State Bar Association 58
PEOPLE v. ADELPHI CLUB 232
POLLOCK, SIR FREDERICK 189
PREPARATION FOR THE BAR 119

PAGE.

PREVIOUS OCCUPATION OF FAMOUS LAWYERS 303
PROMISE—liability of one person to answer for tort of another 167
PROPERTY—in animals 187
married woman's separate 377

RECENT PATENT AND TRADE MARK CASES 378
REFORMED PROCEDURE—its advantages and its limitations, J. Newton Fiero 327
REMSEN, DANIEL S.—report of committee on revision of statutes 73
REPORT OF THE COMMITTEE ON LAW REFORM OF THE NEW YORK STATE BAR ASSOCIATION 135
REPORT OF COMMITTEE ON REVISION OF STATUTES 73
REPORT OF COMMISSIONERS TO REVISE THE CODE 6
REPORTS, THE 124, 206
REVISION OF THE CODE, by William B. Hornblower 150
ROBERTSON, HON. WILLIAM H.—address before New York State Bar Association 54

SOLICITORS AS OFFICERS OF THE COURT—liability for lost trust funds 205
SOME NEEDED IMPROVEMENTS IN OUR STATUTES AND IN STATUTE MAKING. By Hon. John J. Linson 74
SOME PECULIARITIES OF THE LAW OF FIRE INSURANCE 153
SOME REMARKS ON OUR JUDICIAL SYSTEMS—Andrew J. Hirschel 198
STATUTES—improvement in and making of—Hon. John Linson 74
revision of—report of committee on 73
STATUTE OF LIMITATIONS—interpretation of section 401 of the Code of Civil Procedure, Hart v. Kip 92
STOREY, HON. MOORFIELD—address before New York Bar Association 117

THE ANGLO-AMERICAN IMBROGLIO 248
THE RULE IN HOWE V. EARL OF DARTMOUTH 110
TORT—liability of one person to answer for that of another upon promise 167
TRUST FUNDS—liability for loss of 205

UNITED STATES V. JANE L. STANFORD AS EXECUTRIX, ETC 198

VOLUNTARY SETTLEMENTS — Re Tilt's trust 269

WEBSTER, SIR RICHARD E.—address of 373
WILL—curious 30

INDEX-DIGEST

TO

ABSTRACTS. CASES IN FULL AND NOTES OF CASES.

PAGE.

ACCIDENT—railroad companies—negligence 336
ACCORD AND SATISFACTION—evidence .. 208
ACTIONS—against stockholders 396
civil—attachment 235
cutting timber from public lands 396
for injuries—master and servant 270
limitation of—insurance 380
—— *scire facias*—revivor of judgment 368
ADMINSTRATOR—foreign—power of sale—mortgage 380
ADMIRALTY—limitation of liability 287
maritime liens 287
ADVERSE POSSESSION 319
AGENCY—contract of—assignability 412
to sell lands—revocation 270
AGENTS—authority of—contracts—carriers 235
AGREEMENT—to convey land—vendor and vendee. 144
scaling—life insurance 144
ALIENS—suits between—circuit courts 379
ALIMONY—failure to pay—contempt 236
ALTERATION OF NOTE—materiality 235
APPEAL—remand of cause 126
review of—Federal Circuit Court 175
ASSESSMENTS—special—taxation 304
ASSETS—ditribution of—national bank 304
ASSIGNMENT—equitable—orders to pay 379
for creditors 349
ASSUMPSIT 143
ATTACHMENT—civil action 235
ATTORNEY AND CLIENT—satisfaction—judgment 32

BAILMENT—bailee for hire—degree of care 112
contract 0
BAILMENT OR SALE 141
BANKS—action for deposit 208
charter—exemption from taxation 303
BANKS AND BANKING—liens—notes in bank . 411
BANKS, NATIONAL—liability of stockholders—pleading 191
dissolution—appointment of receiver 237
distribution of assets 304
stock—taxation by State 237
subscription and capital 368
BANK STOCK—taxation by State—national banks. 237
BROKER—right to commissions 112

CARRIER—delay in transportation 235
of goods—contracts—authority of local agents 235
CARRIERS—interstate commerce act—indictment .. 255
interstate commerce law 349
liability to passengers or shippers 143
passenger—omission of agent to stamp ticket 126
passenger—negligence—evidence 319
CARRIERS OF PASSENGERS—degree of care. 412
conecting lines 255
CAUSES—removal of 224
—— federal question 304
CIRCUIT COURTS—suits between aliens 379
federal—review on appeal 175
—— jurisdictional amount 175
CIRCUIT COURT OF APPEALS—power of—mandamus 287
CITIZENSHIP—diverse—corporations 303
—— jurisdiction of federal courts 287
CLAIMS—against State—constitutional law 303
COLLATERAL ATTACK—judgment 191
COMPANY—telegraph—delivery of message 304
COMPENSATION—eminent domain 236
CONDEMNATION PROCEEDINGS—land for bridge 235
CONSIDERATION—contracts 143
CONSPIRACY—unlawful combinations—injunction 397
CONSTITUTION—federal courts—jurisdiction 412

PAGE.

CONSTITUTIONAL LAW—auditing claims against State 303
interstate commerce—intoxicating liquors 379
municipal corporations—licenses 349
regulating price of gas—reasonableness 411
trial by jury—suits in equity 412
CONTEMPT—failure to pay alimony 236
injunction—actual notice 413
CONTRACT—construction—guaranty 287
—— mutuality 287
corporation—stock 144
filing of—mechanics' liens 32
in restraint of trade—damages 112
interpretation 349
mutuality 236
of agency—assignability 412
physicians and surgeons 320
restraint of trade 255
sales—parol evidence 238
contributory infringment 378
CONTRACTS—bailment 320
carriers—authority of local agents 235
consideration 143
CONTRIBUTORY NEGLIGENCE—railroad companies 79
CONVERSION—pledge 288
CONVEYANCE—water right—deed 112
CORPORATIONS—action against stockholders 396
agent's agreement for arbitration—ratification 349
charters 255
charter—implied powers 412
contract—stock 144
dissolution—right of receiver 396
diverse citizenship 303
effect of purchasing its own stock 412
execution of instrument 175
liability of stockholders 103
municipal—constitutional law—licenses 349
—— public improvements—*res judicata* 413
—— pollution of water supply 237
preferred stock—lien 320
right of—injunction 208
ultra vires 236
COUNTY TREASURER—action on bond—parties 208
COURTS—Circuit—suits between aliens 379
Federal 304
Federal—Circuit—jurisdictional amount 175
Federal—Circuit—review on appeal 175
Federal—comity between State and Federal 380
Federal—deposition taken in State court 287
Federal—diverse citizenship 127
Federal—following State practice 320
Federal—form of pleading 349
Federal—jurisdiction—diverse—citizenship 287
Federal—jurisdiction of Supreme Couut 397
Federal—mandamus—power of Circuit Court of Appeals 287
Federal—mortgage—foreclosure 336
Federal—terms of adjournment 190
Federal—State courts—conclusiveness of decision .. 412
property *in custodia legis* 412
State—conclusiveness of decision—Federal courts ... 412
State and Federal—following State decisions 236
COVENANTS—pleading 265
sale of business 255
CRIMINAL EVIDENCE—malicious shooting 112
CRIMINAL LAW—false pretenses 112
habeas corpus 126
murder—possession of deceased's property 412
murder and manslaughter 396
self defense 396
CRIMINAL PRACTICE—embezzlement—indictment 126
indictment for perjury 126

PAGE.

DAMAGES—contract in restraint of trade ... 112
eminent domain ... 144, 412
trespass ... 380
DEATH—presumption of—life insurance—policy ... 208
DEED—construction by the parties ... 349
conveyance of water right ... 112
delivery—evidence ... 236
description—high-water mark ... 236
DEED OF TRUST ... 320
DEFECTIVE RECORDS—constructive notice—vendor and purchaser ... 304
DEPOSIT—banks—action for ... 208
DEPOSITION—taken in State court—Federal Courts ... 287
DISSOLUTION—national banks—appointment of receiver ... 237
DOCUMENTS—inspection of on trial ... 79

EJECTMENT—alienee of mortgagee in possession ... 396
injunction ... 79
EMINENT DOMAIN—compensation ... 236
damages ... 144, 412
legislative authority ... 144
EMPLOYE—injury to—master and servant ... 237
EQUITY—ancilary receiverships ... 255
dispute between partners ... 236
jurisdiction ... 320
pleading—bill ... 236
suits in—trial by jury—constitutional law ... 412
ESTOPPEL—parol partition ... 127
EVIDENCE—accord and satisfaction ... 208
criminal—malicious shooting ... 112
deed—delivery ... 236
delivery—mortgage ... 413
highway by prescription ... 190
libel—identification of plaintiff ... 349
negligence—carriers of passengers ... 319
parol—contemporaneous writing ... 175
——sales—contracts ... 238
EXCEPTIONS—instructions—trial ... 336
EXECUTION—of instrument—corporation ... 175
EXTRADITION PROCEEDINGS—judgment of magistrate ... 349
EXEMPTION—banks—taxation ... 303

FALSE IMPRISONMENT—justification—legal writ ... 236
FEDERAL COURTS ... 304
Circuit Court—jurisdictional amount ... 175
comity between State and Federal courts ... 380
deposition taken in State courts ... 287
diverse citizenship ... 127
following State practice ... 320
form of pleading ... 349
jurisdiction—constitution ... 412
——diverse citizenship ... 287
mandamus—power of Circuit Court of Appeals ... 287
mortgage foreclosure ... 336
review on appeal—Circuit Court ... 175
State and Federal courts—following State decisions ... 236
Supreme Court—jurisdiction ... 208
Terms of—adjournment ... 190
FEDERAL OFFENSES—improper use of mails—obscene matter ... 237
improper use of mails—scheme to defraud ... 304
mailing obscene documents ... 397
postal laws—obscene letter ... 397
powers of U. S commissioner ... 175
FELLOW SERVANTS—inspector of machinery ... 191
FRANCHISE—street railway ... 144
FRAUD—injunction—judgment ... 190
FUND—equitable assignment of—orders to pay ... 379

GOOD WILL—trade mark ... 79
GUARANTY—construction of contract ... 287

HABEAS CORPUS—criminal law ... 126
person in custody of State officers ... 116
HIGHWAY BY PRESCRIPTION—evidence ... 190
HOMESTEAD ... 320
rights of wife—laws of Kansas ... 288
HUSBAND AND WIFE—possession by husband of wife's lands ... 112

IMPRISONMENT—false—justification—legal writ ... 236
INDEMNITY—principal and surety ... 270
INDICTMENT—interstate commerce act ... 255
INJUNCTION—actual notice—contempt ... 413
conspiracy—unlawful combinations ... 397
ejectment ... 78
fraud—judgment ... 190
right of corporation ... 208
trade mark ... 191
INJURIES—liability for—electrical appliances ... 141
to employe—master and servant ... 270
INSPECTION—of documents ... 144
INSURANCE—effect of representations ... 237
increase of risk ... 237
life—presumption of death ... 208
——scaling agreement—assignment ... 144
——semi-tontine policy—bill for accounting ... 288
——suicide of insured ... 191

INSURANCE—(Continued). PAGE.
life—suicide—insanity ... 288
limitation of actions ... 380
premium—agent ... 413
INTERSTATE COMMERCE—constitutional law ... 379
INTERSTATE COMMERCE ACT—indictment ... 255
INTERSTATE COMMERCE LAW—carriers ... 349
ISSUE—will ... 64

JUDGMENT—collateral attack ... 191
injunction—fraud ... 190
insane surety ... 288
of magistrate—extradition proceedings ... 349
res judicata ... 413
satisfaction—attorney and client ... 32
JURISDICTION—equity ... 320
Federal Circuit Court ... 175
Federal Courts—Constitution ... 412
Federal Supreme Court ... 208, 397
public lands—contest between settlers ... 304
to determine removal of causes ... 64
JURY, TRIAL BY—suits in equity—Constitutional law ... 412

LACHES—charitable trusts ... 208
LANDS, PUBLIC—contest over—jurisdiction ... 304
LANDS, PURCHASE OF—principal and agent ... 336
LANDLORD AND TENANT—condition subsequent ... 237
LAW, CONSTITUTIONAL—auditing claims against State ... 303
interstate commerce—intoxicating liquors ... 379
LAW, INTERSTATE COMMERCE—carriers ... 349
LIABILITY—for injuries through electrical appliances ... 141
limitation of—admiralty ... 287
LIBEL—evidence—identification of plaintiff ... 349
justification ... 112
statements of judicial proceedings—libel ... 320
LICENSES—municipal corporations—constitutional law ... 349
LIEN—maritime—admiralty ... 287
notes in bank—banking ... 411
preferred stock—corporations ... 320
LIFE INSURANCE—scaling agreement—assignment ... 144
LIMITATIONS—accruing of right—money had and received ... 380
libel—statements of judicial proceedings ... 320
of actions—insurance ... 380
LIMITATION—of title—construction of wills ... 338

MAILS—improper use of—scheme to defraud ... 304
MANDAMUS—power of Circuit Court of Appeals—Federal Courts ... 287
MASTER AND SERVANT—action for injuries ... 270
fellow-servant ... 397
——inspector of machinery ... 191
——negligence ... 79
injury to employe—defective appliance ... 237
negligence—assumption of risk ... 144
payment ... 32
unsafe machinery ... 237
MECHANIC'S LIENS—filing of contract ... 32
MINES AND MINING—extralateral rights ... 413
right to follow dip ... 270
MINING PARTNERSHIP—what constitutes ... 237
MONEY HAD AND RECEIVED—accruing of right—limitations ... 380
MORTGAGE—delivery—evidence ... 413
foreclosure—Federal courts ... 336
——parties ... 191
——reversal after sale ... 397
power of partner—partnership ... 64
power of sale—foreign administrator ... 380
MUNICIPAL CORPORATIONS—constitutional law—licenses ... 349
public improvements—*res judicata* ... 413
water supply—pollution ... 237
MURDER—manslaughter—criminal law ... 396

NATIONAL BANKS—liability of stockholders—pleading ... 191
NEGLIGENCE—assumption of risk—master and servant ... 144
contributory ... 380
——injury—railroad company ... 238
——railroad companies ... 79
examination of title ... 336
fellow servant—master and servant ... 79
independent contractor ... 238
passenger carriers—evidence ... 319
pleading ... 270
proximate cause ... 238
railroad companies ... 270
——accident ... 79, 336
railroad receivers—liability ... 288
NEGOTIABLE INSTRUMENT—accommodation paper—burden of proof ... 127
promissory note—*bona fide* holder ... 191

PAGE.

NOTICE, actual—contempt—injunction ... 413
constructive—defective record—vendor and purchaser ... 304

PAROL EVIDENCE—contemporaneous writing ... 175
PAROL PARTITION—estoppel ... 127
PARTIES—action on bond—county treasurer ... 208
mortgage—foreclosure ... 191
PARTITION—parol—estoppel ... 127
PARTNERSHIP ... 368
dissolution—transfer of good will ... 380
mining—what constitutes ... 237
power of partner—mortgages ... 64
sale—rescission ... 380
PAYMENT—master and servant ... 32
PLEDGE—conversion ... 288
PLEADING—covenants ... 205
equity—bill ... 236
form of—Federal courts ... 349
liability—national banks' stockholders ... 191
negligence ... 270
POSSESSION, ADVERSE ... 319
POWER, exercise of—will ... 336
implied—corporations—charter ... 412
of sale—foreign administrator—mortgage ... 380
PRACTICE—criminal—embezzlement—indictment ... 126
—— indictment for perjury ... 126
equity—ancillary receiverships ... 255
State—Federal courts ... 320
PRINCIPAL AND AGENT—commissions ... 238
purchase of lands ... 336
sale of lands—revocation ... 270
PRINCIPAL AND SURETY—indemnity ... 270
PROMMISSORY NOTE—*bona fide* holder—negotiable instrument ... 191
PROOF, BURDEN OF—alterations in note ... 379
PROPERTY—*in custodia legis* ... 412
PROSECUTION, MALICIOUS ... 413
PUBLIC LANDS—exclusion from grant ... 32
jurisdiction—contest ... 304

RAILROADS—purchase of parallel lines ... 380
RAILROAD COMPANIES—accident at crossing—negligence ... 79
accident on track—negligence ... 336
contributory negligence ... 79
deed for pumping station ... 238
officers—limitations ... 79
receivers—re-delivery ... 288
speed of train—negligence ... 270
street railway—franchise ... 144
RAILROAD COMPANY—injury at crossing—contributory negligence ... 238
RAILROAD AND BONDS—conditions ... 380
RAILROAD FORECLOSURE—decree ... 127
RAILROAD RECEIVERS—liability for negligence ... 288
RECEIVER—appointment—dissolution of national bank ... 237
interference with possession ... 238
railroad companies—re-delivery ... 288
railroad—liability for negligence ... 288
right of—dissolution of corporation ... 396
RECEIVERSHIPS—ancillary—equity practice ... 255
RESCISSION—sale—partnership ... 380
REMOVAL OF CAUSES—Federal question ... 304, 397
jurisdiction to determine ... 64
RES JUDICATA—judgment ... 413
public improvements—municipal corporations ... 413
RESTRAINT OF TRADE—carriers ... 255
REVIEW—appeal—circuit Federal court ... 175
REVIVOR OF JUDGMENTS—*scire facias*—limitation of actions ... 368
REVOCATION—agency—sale of lands ... 270

SALES—contract—parol evidence ... 238
partnership—rescission ... 380
SALE OF BUSINESS—covenant ... 255
SALE OR BAILMENT ... 141
SATISFACTION—judgment—attorney and client ... 32
STATUTE OF LIMITATIONS—interpretation of section 401, Code of Civil Procedure ... 92
STOCK—corporation—contract ... 144
preferred—lien—corporations ... 320
STOCKHOLDERS—liability—corporations ... 103
liability—national banks—pleading ... 191
SURETY—insane—judgment ... 288
SUPREME COURT—jurisdiction of ... 397
jurisdiction ... 208
SUICIDE—life insurance ... 191
SUBROGATION ... 288

TAXATION—national bank stock—by state ... 237
special assessment—sprinkling streets ... 304
TELEGRAPH COMPANY—delivery of message ... 304
TENDER—performance—breach—vendor and purchaser ... 288
TITLE—examination of—negligence ... 336
TRADE MARK—good will ... 79
injunction ... 191

PAGE.

TRESPASS—damages ... 380
right to maintain ... 288
TRIAL—exception to instructions ... 336
inspection of documents ... 79, 144
TRUST—charitable—laches ... 208
deed of ... 320

UNITED STATES COMMISSIONER—powers of—Federal offense ... 175

VENDOR AND PURCHASER—breach—tender of performance ... 288
constructive notice—defective record ... 304
misrepresentations by vendor ... 281
VENDOR—and vendee—agreement to convey land ... 144

WIFE, RIGHTS OF—homestead—law of Kansas ... 288
WILL ... 144
construction—limitation of title ... 238
exercise of power ... 336
issue ... 64
nature of estate ... 381

ENGLISH CASES.

ADMINISTRATION ... 175, 271, 397, 413
estate—duty ... 335
executor ... 206
residue ... 191
APPOINTMENT—contingent remainder ... 142

BANKRUPTCY ... 271, 381
BILL OF EXCHANGE—foreign bill ... 142
BY-LAW—reasonableness ... 256

COMPANY ... 160, 350, 398, 414
new shares ... 192
prepayment of calls ... 142
CONTEMPT OF COURT ... 414
CONTRACT—measure of damages ... 125
COPYRIGHT ... 239
CROWN—servants of the ... 142

DIVORCE PRACTICE ... 335
DRAMATIC COPYRIGHT ... 239

EXTRADITION ... 207
requisition by foreign government ... 142

FRAUDULENT MISREPRESENTATION ... 125
FUND IN COURT ... 414

HUSBAND AND WIFE ... 381

INCUMBRANCE ... 125
INFANT—maintenance ... 207
INFANTS—wards of courts ... 142
INLAND REVENUE ... 239, 256, 271
probate duty ... 176
INSURANCE, MARINE ... 125, 381, 414

LANDLORD AND TENANT ... 175

MARRIAGE, NULLITY OF ... 126
validity ... 335
MORTGAGE ... 335, 381

NEGLIGENCE—independent contractor ... 239

PARNTERSHIP ... 304, 414
PATENT—action for infringment ... 239
PRACTICE ... 160
injunction ... 143

REVENUE ... 240, 350
RIVER ... 381

SALVAGE ... 192
SETTLEMENT ... 381, 415
power ... 207
voluntary assignment ... 272
SHIP—general average ... 336
SOLICITOR—costs ... 256
SPECIFIC PERFORMANCE—company—shares ... 143

TRADE MARK ... 272
TRADE NAME ... 415
TRADE PROTECTION SOCIETY ... 160
TRAMWAYS ... 207
TRESPASS ... 398
TRUSTEES ... 143
breach of trust ... 207
investment ... 208

VARIATIONS OF SETTLEMENTS ... 415
VENDOR AND PURCHASER ... 415

WILL ... 350
advancement ... 143
construction ... 240, 256, 336, 398
legacy for specific purpose ... 240